FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE
CRI.WRIT PETITION NO.2808 OF 2006

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Ms. S Upadhyaya, for the petitioner.
Ms S.D.Shinde, APP for the respondent.

CORAM : SMT.RANJANA DESAI & D.B.BHOSALE,JJ.

DATED : 14th MARCH, 2007

P.C.:

We have heard the learned counsel for the petitioner and the learned APP for the respondent. We have perused the affidavit of Mr Avinash Sable, Under Secretary, Home Department. Paragraphs 5 to 7 of the affidavit read thus:

"5. I say that the prisoner was granted furlough leave on 6.9.1996 and he had not surrendered within time as a result he was arrested by police after 167 days. I further say that he was also granted a parole leave on 6.4.1998 and he had not surrendered in time and overstayed for of 999 days and he was arrested by police on 31.3.2001.

6. I say that while convict was released on parole on 6.4.1998 he was to stay at Kalyan where his residence is. However during above parole period he was not available at Kalyan and police arrested him in Nasik, he had tried to immolate himself by pouring kerosene for avoiding arrest and therefore Ambad police

station Nasik, registered offence against him under section 309 of IPC in CR No.3009/2001. He was also convicted for offence punishable under section 309 of Indian Penal Code and sentenced to suffer simple imprisonment till rising of the court and to pay fine of Rs.500/- and in case of default of payment of fine simple imprisonment for fifteen days by Sessions Judge Nasik.

7. I say that on the basis of above facts the case of petitioner falls of the category of 6(a) of the guidelines dated 11th May,1992 and therefore Government has rightly remitted his sentence which is in excess of 28 years as per order dated 24th July, 2006. I say that guideline 6(a) reads as under :-

"Prisoners who have escaped from lawful custody while undergoing imprisonment or who absconded while on parole or furlough".

From the above facts it is clear that the case of the petitioner falls in category 6(a) of the guidelines and, therefore, petition is liable to be dismissed."

In view of the above, the petitioner has been placed in category 6(a) of the Guidelines. No case is made out for interference. The writ petition is dismissed.

(D.B.BHOSALE,J.) (SMT.RANJANA DESAI,J.)